

MEETINGS TO DATE 4
NO. OF REGULARS 4
NO. OF SPECIALS 0

LANCASTER, NEW YORK
FEBRUARY 27, 1978

A Regular Meeting of the Town Board of the Town of Lancaster,
Erie County, New York, was held at the Town Hall at Lancaster, New York on
the 27th day of February, 1978 at 8:00 P.M. and there were

PRESENT: STANLEY JAY KEYSA, SUPERVISOR

JOSEPH R. BARNHARDT, COUNCILMAN

PETER J. BOLENDER, COUNCILMAN

ARTEL J. METZ, COUNCILMAN

ABSENT: EDWARD A. BERENT, COUNCILMAN

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK

DOMINIC J. TERRANOVA, TOWN ATTORNEY

RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY

ROBERT W. URBAN, HIGHWAY SUPERINTENDENT

BID OPENING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M. the Town Board considered sealed proposals for furnishing to the Town of Lancaster Highway Department the following materials: road oil, crushed stone, blacktop, grit, gravel, slurry seal, cinders and redi-mix concrete for the 1978 needs of the Town of Lancaster.

ON MOTION BY COUNCILMAN BOLENDER, AND SECONDED BY COUNCILMAN BARNHARDT AND CARRIED, by unanimous roll call vote, the time for receiving the aforesaid proposals was closed at 8:00 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

BJD OPENING SCHEDULED FOR 8:00 P.M. CONT'D.:

Proposals were received from the following bidders:

<u>BIDDER</u>	<u>BID ON</u>
1. Buffalo Slag Co., Inc. 111 Great Arrow Avenue Buffalo, New York 14216	Crushed Stone
2. Lancaster Stone Products Corp. 5833 Main Street Buffalo, New York 14221	Crushed Stone Black Top
3. Pine Hill Concrete Mix Corp. 2255 Bailey Avenue Buffalo, New York 14211	Gravel Ice Control Grit Redi-Mix Concrete
4. Krantz Asphalt Co., Inc. 701 Elk Street Buffalo, New York 14210	Road Oil
5. Spencer & Haley, Inc., Sand and Gravel Elton Road Delavan, New York 14042	Gravel Ice Control Grit
6. Houdaille Const. Materials Inc. 8615 Wehrle Drive P.O. Box 39 Buffalo, New York	Crushed Stone Black Top
7. Midland Asphalt Corp. 640 Young Street Tonawanda, New York 14150	Road Oil
8. County Line Stone Co., Inc. County Line Road Akron, New York 14001	Crushed Stone Black Top
9. Frey Concrete Inc. 561 Pavement Road Lancaster, New York 14086	Redi-Mix Concrete
10. Frey Sand and Gravel Corp. 561 Pavement Road Lancaster, New York 14086	Gravel Ice Control Grit
11. Western Bituminous Products Inc. P.O. Box 153 1655 Union Road Buffalo, New York 14224	Road Oil
12. Robert F. Buyers, Inc. 8390 Main Street Buffalo, New York 14221	Cinders Redi-Mix Concrete

ON MOTION BY COUNCILMAN BOLENDER, AND SECONDED BY COUNCILMAN METZ
AND CARRIED, by unanimous roll call vote, the aforesaid proposals were
ordered turned over to the Highway Superintendent for examination,
tabulation; and recommendation.

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all interested parties and citizens for or against the proposed amendment to the Zoning Ordinance and the Zoning Map of the Town of Lancaster (a/k/a Burkhardt Rezone Petition).

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed Certified Mail, Return Receipt Requested, to the Petitioner and the Erie County Department of Planning notifying these individuals of the time and place of this Public Hearing.

The Town Clerk presented and read a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledged receipt of a Notice of this Public Hearing and wherein the Department recommended denial of the proposed rezone.

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending denial of the proposed rezone.

The Town Clerk presented these further communications relative to this Public Hearing: a petition signed by 27 residents of the neighborhood area expressing opposition to the proposed rezone.

PROPONENTS

James I. Myers, Att'y for Pet.

ADDRESS

120 Delaware Avenue
Buffalo, NY 14202

Guenter H. Burkhardt, Petitioner

5960 Broadway
Lancaster, NY 14086

OPPONENTS

None

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BOLENDER AND CARRIED, by unanimous roll call vote, the Public Hearing was adjourned to April 3, 1978 at 8:00 P.M. when further evidence and testimony will be received.

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their monthly reports as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Police Department	Semi-Annual Report - 1/1/77 - 6/30/77
Dog Warden	January, 1978

The Town Clerk reported that the following Boards, Commissions, Bureaus, and Committees of the Town of Lancaster have filed with him minutes or memorandums of their meetings as follows:

Planning Board	February 1, 1978
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COMMITTEE REPORTS:

Councilman Barnhardt, for the Sewer Committee, reported that the Town Engineers are working on an extension to the Walden Avenue Sewer which would connect to the present easterly terminus of the Sewer District 4 line on Walden Avenue.

PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the minutes of the meeting of the Town Board, held
February 6, 1978, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

February 27, 1978

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Recreation Department of the Town of Lancaster will require certain arts and crafts supplies for the operation of the Recreation Program during the year 1978, which may reasonably be expected to exceed the sum of \$1,500.00, and

WHEREAS, it is in the public interest that sealed bids for the purchase of such supplies be invited,

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders, in form attached hereto and made a part hereof, be published in the Lancaster Enterprise-Journal and be posted according to law, that the Town Board will receive bids up to 8:15 o'clock P.M., Local Time on March 20, 1978 for the purchase of arts and crafts supplies for the Recreation Department of the Town of Lancaster in accordance with specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSAY VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

February 27, 1978

LEGAL NOTICE
NOTICE TO BIDDERS
TOWN OF LANCASTER

Sealed bids will be received and publicly opened by the Town Board of the Town of Lancaster at 8:15 o'clock P.M., Local Time, March 20, 1978, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purchase of arts and crafts supplies for the Recreation Department of the Town of Lancaster.

Specifications for such arts and crafts supplies are on file with and may be obtained from the Town Clerk of the Town of Lancaster, 21 Central Avenue, Lancaster, New York.

The Town Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, by letter dated February 14, 1978, the Highway Superintendent has reported to the Town Board that an emergency purchase was made by him under circumstances requiring immediate action, which could not await competitive bidding;

NOW, THEREFORE, BE IT

RESOLVED, that the action of the Highway Superintendent in the emergency purchase of a rebuilt engine for truck No. 84, a 1974 International, necessary in snow removal operations, in the sum of \$1,647.00, be and hereby is confirmed under §103(4) of the General Municipal Law of the State of New York, inasmuch as such purchase represented a public emergency arising out of an unforeseen occurrence, affecting public property and which could affect the public safety and property of the inhabitants of the Town of Lancaster, which required immediate action and which could not await competitive bidding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

February 27, 1978

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

WHEREAS, METROPLEX HOMES INC., has applied for approval of Woodview
Estates Subdivision, and

WHEREAS, the Planning Board, Planning Consultant and Town Engineers
have given their approval to the filing of this Subdivision,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves
the Subdivision, known as Woodview Estates Subdivision, filed with the Town
Board by Metroplex Homes Inc., and that the Town Clerk properly endorse the
approval of the Town Board of the Town of Lancaster on the linen copy thereof,
provided, however, that said Subdivision Map not be filed in the Erie County
Clerk's Office until the subdivider has provided the following to be approved
by the Town Attorney:

- 1) Deeds and easements for highway and drainage purposes,
- 2) Easement to be provided to Erie County Sewer District No. 4 for future lateral sewers,
- 3) Title insurance covering all deeds and easements in an amount approved by the Town Attorney,
- 4) Recording and payment of recording fees and revenue stamps by the subdivider, simultaneous with filing of subdivision map cover.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc. by
letter dated February 12, 1978, has requested confirmation of one (1)
non-resident member, and

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., at
a regular meeting held on February 3, 1978, by a vote of 3/4 of all the
members present, authorized the non-resident membership of William MacPeek,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the following individual in the Bowmansville Volunteer Fire
Association, Inc.:

CONFIRMATION

William MacPeek
67 Harding Road
Williamsville, N.Y.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

February 27, 1978

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, the duties of the Building and Zoning Department of the
Town of Lancaster, have grown to a point where it is in the public interest to
create the position of Assistant Building Inspector, Part-time, and

WHEREAS, ROBERT L. LANEY of 44 Hinckley Avenue, Lancaster, New York,
is qualified by job experience for appointment to said position,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

- 1) That the Town Board of the Town of Lancaster hereby creates the position of Assistant Building Inspector, Part-Time, effective February 27, 1978, with duties as set forth in Form P0-17, filed with the Personnel Office of the County of Erie, which form is hereby incorporated by reference,
- 2) That ROBERT L. LANEY, be and hereby is appointed and confirmed as Assistant Building Inspector, Part-time, effective February 28, 1978, at an hourly rate of \$4.95 while working.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

February 27, 1978

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

WHEREAS, the Recreation Department of the Town of Lancaster will require certain sporting goods and athletic equipment for the operation of the Recreation Program during the year 1978, which may reasonably be expected to exceed the sum of \$1,500.00, and

WHEREAS, it is in the public interest that sealed bids for the purchase of such supplies and equipment be invited.

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders, in form attached hereto and made a part hereof, be published in the Lancaster Enterprise-Journal and be posted according to law; that the Town Board will receive bids up to 8:00 o'clock P.M., Local Time on March 20, 1978, for the purchase of sporting goods and athletic equipment for the Recreation Department of the Town of Lancaster in accordance with specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

The resolution was thereupon unanimously adopted.

February 27, 1978

LEGAL NOTICE
NOTICE TO BIDDERS
TOWN OF LANCASTER

Sealed bids will be received and publicly opened by the Town Board of the Town of Lancaster at 8:00 o'clock P.M., Local Time, March 20, 1978, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purchase of sporting goods and athletic equipment for the Recreation Department of the Town of Lancaster.

Specification for such sporting goods and athletic equipment are on file with and may be obtained from the Town Clerk of the Town of Lancaster, 21 Central Avenue, Lancaster, New York.

The Town Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 6281 to 6338 Incl.	\$91,019.77
Special District Funds	No. 277 to 282 Incl.	\$36,385.67
Part Town Funds	No. 520 to 522 Incl.	\$ 530.00
Highway Funds	No. 1760 to 1789 Incl.	\$53,118.80
Trust & Agency Funds	No. 239 to 240 Incl.	\$ 3,888.88
Federal Revenue Sharing	No. 963 to 968 Incl.	\$ 1,935.95
Capital Fund	No. 307 to 311 Incl.	\$ 9,017.44
Capital Fund (Public Works Garage)	No. 123 to 124 Incl.	\$10,068.35
Debt Service Fund	No. 2 to 2 Incl.	\$11,850.00

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

February 27, 1978

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

RESOLVED, that the following Building Permit Applications be and
are hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
4	John Kausher	69 Schlemmer	ER. FR. SIN. DWLG. PVT. GARAGE
5	Kulbacki Const.	6363 Transit Rd.	ER. STEEL ALUM. SIGN
6	Metroplex Homes	5549 William	ER. FR. BRK. VEN. SIN. DWLG. PVT. GARAGE

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

February 27, 1978

Councilman Barnhardt requested a suspension of the necessary rule
for immediate consideration of the following resolution -

SUSPENSION GRANTED-

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ, , TO WIT:

WHEREAS, by Agreement made the 25th day of March, 1974, the County
of Erie, the Town of Tonawanda, and the Town of Cheektowaga entered into a
Consortium Agreement for the purpose of qualifying and applying for, and if
received, the carrying out of the terms of grants from the Department of Labor
of the United States Government under the Comprehensive Employment and Training
Act of 1973, (P.L. 93-203) hereinafter referred to as the ACT, and

WHEREAS, under the terms of said Consortium Agreement the Office of
Manpower Services of the County of Erie is the administrative office for the
programs under such grants, and the Comptroller of the County of Erie is the
fiscal agent for the Prime Sponsor, and

WHEREAS, Title VI of the Comprehensive Employment and Training
ACT of 1973 has been amended by the Emergency Jobs Programs Extension Act of
1976 to provide a PROJECTS PROGRAM, and

WHEREAS, the Prime Sponsor has received a Grant for the establishment
and operation of a Projects Program, Contract 36-7005-60, under the Act for
the implementation and operation of Projects programs in the geographical area
of Erie County outside of the City of Buffalo, and *

WHEREAS, the Town of Lancaster, as Project Operator, desires to
participate in said program as Project Operator for the Prime Sponsor, and is
qualified and has facilities and personnel to participate as such Project
Operator, and

WHEREAS, the Prime Sponsor desires to utilize the Town of Lancaster,
as Project Operator, to perform the Manpower Services under Manpower Project
No. 641, to perform the following goals of this project on behalf of the Town
of Lancaster Historical Department:

1. To identify and incorporate all unprocessed materials including books, periodicals, photographs, manuscripts and artifacts (in the possession of the Town of Lancaster Town Historian.)
2. To clean items, make basic repairs and provide protective storage to prevent further deterioration to these unprocessed materials.
3. To document history of the opera house through media articles, pamphlets, etc.
4. To write an application to the National Historic Trust for historic status for the Town Hall Opera House where these unprocessed materials will be stored.
5. To construct a slide show and script on local Town History and make presentations to various schools and historical organizations, and under Manpower Project No. 645, the Town of Lancaster Building Department as Project Operator is to perform Manpower Services, as follows:

"The goal of this project is to conduct a survey for the Town of Lancaster that will accomplish the following tasks:

1. To inspect, map and evaluate all residential and commercial land parcels in the Town of Lancaster,
2. To determine present use and occupancy conditions of above-mentioned land parcels and to make recommendations for zoning or other ordinance changes within the Town of Lancaster.
3. To determine conformity to State Building and fire codes.
4. To determine effluent discharge compositions of commercial properties.
5. To determine eligibility for any areas in need of rehabilitation funding, and:-
 - a) Recommend these areas for Neighborhood Improvement Projects.
 - b) Recommend that dwellings occupied chiefly by Senior Citizens be more properly winterized.
6. To write up a comprehensive report of all findings and submit them to Lancaster Town Board, Lancaster Planning Board, and the Erie County Division of Planning;"

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the said projects, designated Manpower Project Nos. 641 and 645, and hereby directs the Supervisor to execute the said agreements on behalf of the said Town of Lancaster and to take such other and further action as shall be necessary in furtherance of said projects.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

The resolution was thereupon unanimously adopted.

February 27, 1978

Councilman Barnhardt requested a suspension of the necessary rule for immediate consideration of the following resolution:-
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, Marrano Enterprises Inc. has heretofore been issued Public Improvement Permit Nos. 43, 44, and 45, for the installation of Pavement and Curbs, Storm Sewers, and Water Lines, within Pleasant Meadow Subdivision, and

WHEREAS, Marrano Enterprises Inc. pursuant to the provisions of Chapter 11-6 of the Code of the Town of Lancaster, has filed with the Town Board of the Town of Lancaster M & T Bank Irrevocable Documentary Letter of Credit No. 2254 in the amount of \$110,000.00 representing the uncompleted value of sanitary sewer work and work authorized under Town of Lancaster Public Improvement Permit Nos. 43, 44, and 45 as follows:

1. Sanitary Sewer - Uncompleted Value -	\$10,000.00
2. Storm Sewer - Uncompleted Value -	\$11,000.00
3. Pavement & Curb - Uncompleted Value -	\$81,000.00
4. Water Lines - Uncompleted Value -	\$ 8,000.00
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	\$110,000.00

and,

WHEREAS, the Town Engineer, by letter dated February 10, 1978, has certified the uncompleted values for sanitary sewer and uncompleted work under Public Improvement Permit Nos. 43, 44, and 45 as follows:

1. Sanitary Sewer - Uncompleted Value -	\$10,000.00
2. Storm Sewer - Uncompleted Value -	\$10,300.00
3. Pavement & Curb - Uncompleted Value -	\$81,000.00
4. Water Lines - Uncompleted Value -	\$ 6,700.00
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	\$108,000.00

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts M & T Bank Irrevocable Documentary Letter of Credit No. 2254 in the amount of \$110,000.00 as security for the faithful performance and

completion of the uncompleted portion of the Public Improvements here and before referred to, and the Supervisor be and is hereby authorized to execute an agreement by and between the Town of Lancaster and Marrano Enterprises Inc. dated February 27, 1978 setting forth the terms and conditions regulating the Letter of Credit herein approved, and

BE IT FURTHER

RESOLVED, that pursuant to Section 11-6.(A.) the Building Inspector of the Town of Lancaster be and is hereby authorized to issue building permits on development lots adjoining those streets for which Public Improvements have been authorized under Public Improvement Permit Nos. 43, 44, and 45 of the Town of Lancaster which Public Improvements have now been secured by M & T Bank Irrevocable Documentary Letter of Credit No. 2254.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT WAS ABSENT

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

The resolution was thereupon unanimously adopted.

February 27, 1978

STATUS REPORT ON UNFINISHED BUSINESS:

1. Preferential Rights, Erie-Lackawanna R.R.

On February 10, 1978, the Supervisor transmitted a copy of the completed appraisal to the Village of Lancaster and the Village of Alden with a request that they determine what portion they wish to bid upon.

2. Public Dedication of Townedge Water Lines

On February 24, 1978, the Town Engineer by letter reported to the Town Board that Joseph Wandyez gave verbal approval for a meter pit for the interconnection between Countryside and Townedge.

3. Public Improvement Permit Authorization, Lancaster Industrial Park

On September 6, 1977, the Town Board approved Public Improvement Permit Nos. 41 and 42 for storm sewer, pavement and curbs.

4. Public Improvement Permit Authorization, Pleasant Meadow Subdivision

On September 6, 1977, the Town Board approved Public Improvement Permit Nos. 43 and 44 for Phase II; water, storm drain, pavement and curbing.

On February 28, 1978, the Town Board approved a letter of credit as security for the installation of these improvements.

5. Request Speed Evaluation, Erie Street - Former Erie R.R. Tracks to Village of Lancaster East Line

On December 8, 1978, the N.Y.S. Dept. of Transportation issued an order setting the speed limit on this section of Erie Street at 45 mph. The Town Board is awaiting notification from the Highway Supt. that the required signs have been installed.

6. Rezone Petition, Guenter H. and Eva G. Burkhardt

On February 27, 1978, the Town Board held a Public Hearing on this proposed rezone and adjourned the hearing to April 3, 1978 at 8:00 P.M.

7. Subdivision Approval, Josela Enterprises, Countryside Subdivision

On February 24, 1978, the Town Engineer by letter recommended that the Town Board should proceed with final approval of this subdivision.

8. Subdivision Approval, Woodview Estates Subdivision

On February 27, 1978, the Town Board approved this subdivision and authorized filing of the subdivision map upon conditions by the Town Attorney.

PERSONS DESIRING TO ADDRESS TOWN BOARD:

Mr. Ronald Detrick, 5238 Genesee Street, representing Concerned Citizens of Bowmansville, filed with the Town Board a petition containing approximately 184 signatures expressing the disapproval of the appearance of exotic dancers four nights a week at Lesswing's Cocktail Lounge, 5247 Genesee Street, Bowmansville, New York.

Mr. Detrick, along with Mrs. Beverly Bryant, 5239 Genesee Street, Ted Domowicz, 11 East Home Road, and James Bryant, 5239 Genesee Street spoke at some length with the Town Board relative to the regulatory authority of the Town Board in the matter of this type of entertainment.

PERSONS DESIRING TO ADDRESS TOWN BOARD CONT'D.:

It was pointed out that State laws regulating this type of entertainment had been enacted but had been challenged in the courts.

The matter was referred to the Town Attorney for review and report back to the Town Board on just what regulatory authority the Town Board would have in this matter.

Mrs. Beverly Bryant also asked the Supervisor for a report from Lieut. Quiram and Chief Ott on her complaint to the Police Department on this matter.

The Supervisor informed Mrs. Bryant that he would request a full report from Chief Ott and Lieut. Quiram.

At the request of the Town Clerk, Mrs. Bryant agreed to be the spokesperson for the Concerned Citizens of Bowmansville and any information relative to this matter will be forwarded to her for dissemination to the interested parties of the area.

DISPOSITIONCOMMUNICATIONS:

116. Town Clerk-Thill-Demerly -
Notification of partial move to
Public Works Garage.
117. Supervisor to Mobil Oil Corp. -
Request possibility of a snow removal
lease for property adjacent to Town Hall.
118. Supervisor to Ex. Dir., Youth Bureau -
Notification of no change in salary status;
no further activity regarding "Discretionary
account"; no objection to new facilities as
long as there is no increase in rental costs.
119. Supervisor to American Alarm Services -
Request meeting on 3/6/78 to discuss alarm
systems at various installations.
120. Supervisor to Town Engineers -
Request diagrams and survey of property
containing Town pumphouse and leachfield
which will cease in the near future due
to tap-in of ECSD No. 4.
121. Town Engineers to Supervisor -
Recommendation that application be made
for Weatherization Funds.
122. Supervisor to Economic Devel. Administration -
Notification of desire to obtain
Weatherization Funds as they become
available.
123. Town Clerk to Town Board -
Resume of actions taken in regards to
Town Board meeting of 2/6/78.
124. American Appraisal Co. to Town Clerk -
Transmittal of prospectus on their firm.
125. Leg. Wm. Paxon to Village and Town Officials -
Notification of schedule for his local
office hours and locations.
126. Police Chief to Town Board -
Copy of Semi-annual report for the
period 1/1/77 - 6/30/77.
127. Dog Warden to Town Board -
Copy of monthly report for January, 1978.
128. County Div. of Personal Health Services to
Town Clerks -
Notification of Public Hearing regarding
changes in County Sanitary Code relating
to control of animal bites to be held
3/8/78 in Buffalo.
129. Supervisor to Alden Supervisor and Village
of Lancaster Mayor -
Transmittal of copy of appraisal of
D.L. & W. Right-of-way and recommendation
for review.
130. Sec'y, Bowmansville Vol. Fire Assn. to
Town Board -
Recommendation of non-resident to active
roster.

R & F

R & F

R & F

R & F

Council. Barnhardt

R & F

Assessor

R & F

Dog Warden

Police Dept.

R & F

R & F

DISPOSITIONCOMMUNICATIONS CONT'D.:

131. Public Works Project Mgt. Co. to Economic Adm. -

Transmittal of payroll reporting form in connection with Public Works Garage.

R & F

132. Town Engineers to Town Board -

Notification of status of Phase II of the construction of Pleasant Meadow Subdivision.

R & F

133. Publisher, Bee Publications to Town Board -

Expression of appreciation for memorializing resolution sent to above.

R & F

134. Deputy Comm., County Dept. of Environ. and Planning to Town Officials -

Transmittal of 1978 meeting schedule of ECSD No. 4.

R & F

Post'

135. Highway Supt. to Town Board -

Request authorization for emergency expenditure of \$1,647.00 for rebuilt engine to replace damaged engine.

R & F

136. Phone World Inc. to Town Board -

Request meeting to present telephone system and permission to evaluate present system.

Town Clerk

137. Town Clerk to Act. Sec'y, Planning Board -

Transmittal of petition for rezone submitted by Arlene McKenzie.

R & F

138. Planning Board to Supervisor -

Copy of the minutes from meeting held 2/1/78.

R & F

139. Dir. of Recrea. and Chair., Recreation Comm. to Town Board -

Notification of damage at Meadow Lea Playground; estimated damage over \$250.

R & F

140. Dir. of Recrea. and Chair., Recreation Comm. to Town Board -

Notification of damage to Town Pool filter and chlorine rooms; estimated damage \$80.

R & F

141. Town Attorney to Town Board -

Notification that Federal G.S.A. Contracts cannot be utilized by local municipalities.

R & F

142. N.Y.S. Comm. on Public Access to Records to Municipal Agencies. -

Transmittal of regulations regarding Freedom of Information Law and Regulations.

Deputy Town Attorney

143. County Dept. of Environ. Quality to Supervisor -

Transmittal of executed copy of agreement between ECSD No. 4 and Lancaster Town Sewer Districts.

R & F

144. Sewer District Task Force -

Minutes of meeting held 1/31/78.

R & F

145. Employer Relations Associates, Inc. to Town Board -

Transmittal of prospectus on their firm.

R & F

COMMUNICATIONS CONT'D:

146. N.Y.S. Board of Equalization and Assessment to Supervisor -
Transmittal of Notice of Tentative 15.84% State Equalization Rate for 1977 Assessment Roll.
147. County Dept. of Environ. Quality to Supervisor -
Notification of tax deductibles of sewer bill on 1977 income tax returns.
148. Josela Enterprises, Inc. to Erie County Water Authority -
Request plans and specifications for 8-inch meter pit to be located near Townedge and Countryside Subdivisions.
149. Young Fire Equip. Corp. to Sen. Jacob Javits -
Explanation of feelings on Labor Reform Legislation.
150. Ass't. County Supervisor, Farmers Home Adm. to Supervisor -
Notification of status of Home Improvement Winterization Program after Town's information distribution.
151. Erie County Water Authority to Supervisor -
Notification of program at ECC South Campus providing training in regards to Cross Connection Control.
152. Pres., American Alarm Services to Supervisor -
Confirmation of attendance at meeting to be held 3/6/78.
153. Greater Buffalo Devel. Foundation to Supervisor -
Notice of seminar to be held 2/25/78 at Buffalo State College regarding new policies for water quality.
154. Highway Supt. to Town Board -
Notification of approval of payment of 80% for Ford truck.
155. Town Engineers to Town Board -
Recommendation of approval of the final plat for Woodview Estates Subdivision.
156. Highway Supt. to Town Board -
Recommendation that James Mertz be appointed permanent full-time employee.
157. Supervisor to County Dept. of Environ. Quality -
Recommendation that sewer plans for new subdivisions include areas and directions of flow from land upstream.
158. Supervisor to Town Engineers -
Request review and determination of Katherine Street sewer.
159. Town Engineers to Town Clerk -
Recommendation that Town should arrange for immediate insurance coverage of Public Works Garage.

AssessorR & FR & FTown ClerkR & F
Charles Alessi
Bob LabenskiR & FR & F

DISPOSITIONCOMMUNICATIONS CONT'D.:

160. Aurora Town Clerk to Town Clerk -
Transmittal of agreement for the Emergency Home Rehabilitation and Home Winterization programs.
161. Supervisor to Town Planning Consultants -
Notification of difference in cost between State price and Town's cost against architect's fee for construction of sign at Walden Pond Park.
162. Highway Supt. to Town Board -
Transmittal of statements relative to Walt's Tree Service blizzard claim of 1977 fueling agreement.
163. Town Clerk to Town Board -
Transmittal of synopsis of the major provisions of New Dog Law with request that a supporting resolution be adopted.
164. Reps. from SS. Peter and Paul Church to Supervisor -
Request use of snow fence, tables and benches for use at lawn fete on 6/24/78.
165. County Div. of Planning to Supervisor -
Notification of residential survey - Rural Needs Study to begin shortly in 27 rural communities.
166. N.F.T.C. to Supervisor -
Notice of meetings to be held at various locations on 2/2/8 and 3/1/78 regarding Buffalo railroad passenger stations site study.
167. E.L.R.C. to Supervisor -
Request current status as to progress on proposed purchase of Erie-Lackawanna Railway property right-of-way.
168. Erie & Nia. Reg. Planning Board to Supervisor -
Notice of public hearings to be held 3/13 and 3/15/78 regarding alternative programs to improve water quality in Erie and Niagara counties inland streams.
169. Hodgson, Russ, Andrews, Woods & Goodyear to Town Clerk -
Notification that Houdaille Construction Materials, Inc. is being sold to Buffalo Crushed Stone, Inc. and request approval of application for transfer.
170. ABC Paving Co., Inc. to Town Clerk -
Notification of formal application for the excavating permit issued to Houdaille Construction Materials, Inc. to Buffalo Crushed Stone, Inc.

Councilman Barnhardt requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.
171. Marrano Enterprises to Town Board -
Transmittal of bonding agreement and Irrevocable Letter of Credit for Part II OF Pleasant Meadows Subdivision.

Supervisor

R & F

R & F

Attorney

Town Clerk

Attorney

R & F
Police ChiefR & F
Post

Supervisor

R & F
Post

R & F

R & F

R & F

ADJOURNMENT:

ON MOTION OF COUNCILMAN BOLENDER, AND SECONDED BY THE ENTIRE TOWN
BOARD AND CARRIED, the meeting was adjourned at 10:45 P.M. out of respect
to:

Bertha Rohl

Pasquale Boni

Harvey Kessel

Signed

Robert P. Thill

Robert P. Thill, Town Clerk